



Hon. Robert J. Bryan

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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANNON SOBASKI,

Defendant.

NO. CR15-5410-RJB

**PLEA AGREEMENT**

15 The United States of America, by and through Annette L. Hayes, United States  
16 Attorney for the Western District of Washington, and Matthew P. Hampton, Assistant  
17 United States Attorney, SHANNON SOBASKI, and his attorney, Colin Fieman, enter  
18 into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure  
19 11(c)(1)(B):

20 1. **Waiver of Indictment.** Defendant, having been advised of the right to be  
21 charged by Indictment, agrees to waive that right and enter a plea of guilty to the charges  
22 brought by the United States Attorney in a Superseding Information.

23 2. **The Charge.** Defendant, having been advised of the right to have this  
24 matter tried before a jury, agrees to waive that right and enter a plea of guilty to a  
25 Superseding Information charging him with one count of the crime of Transportation of  
26 Obscene Matters, in violation of Title 18, United States Code, Section 1462(a).

1 By entering this plea of guilty, Defendant hereby waives all objections to the form  
2 of the charging document. Defendant further understands that before entering his plea of  
3 guilty, he will be placed under oath. Any statement given by Defendant under oath may  
4 be used by the United States in a prosecution for perjury or false statement.

5 **3. Elements of the Offense.** The elements of the offense of Transportation of  
6 Obscene Matters, in violation of Title 18, United States Code, Section 1462(a), as  
7 charged in Count 1, are as follows:

8 First, the defendant knowingly used an interactive computer service to transport  
9 certain articles in interstate commerce;

10 Second, the defendant knew, at the time of such transportation, the general nature  
11 of the content of the articles; and

12 Third, the articles were obscene, lewd, or lascivious.

13 **4. The Penalties.**

14 Defendant understands that the statutory penalties applicable to Count 1,  
15 Transportation of Obscene Matters, are as follows: imprisonment for up to five (5)  
16 years, a fine of up to \$250,000, a period of supervision following release from prison of  
17 up to three (3) years, and a \$100 special assessment.

18 Defendant understands that supervised release is a period of time following  
19 imprisonment during which he will be subject to certain restrictive conditions and  
20 requirements. Defendant further understands that if supervised release is imposed and  
21 he violates one or more of the conditions or requirements, Defendant could be returned  
22 to prison for all or part of the term of supervised release that was originally imposed.  
23 This could result in Defendant's serving a total term of imprisonment greater than the  
24 statutory maximum stated above.

25 Defendant further understands that a consequence of pleading guilty may include  
26 the forfeiture of certain property either as a part of the sentence imposed by the Court, or  
27 as a result of civil judicial or administrative process.

1 Defendant agrees that any monetary penalty the Court imposes, including the  
2 special assessments, fines, costs, or restitution, is due and payable immediately and  
3 further agrees to submit a completed Financial Statement of Debtor form as requested by  
4 the United States Attorney's Office.

5 **5. Rights Waived by Pleading Guilty.** Defendant understands that by  
6 pleading guilty, he knowingly and voluntarily waives the following rights:

- 7 a. The right to plead not guilty and to persist in a plea of not guilty;
- 8 b. The right to a speedy and public trial before a jury of his peers;
- 9 c. The right to the effective assistance of counsel at trial, including, if  
10 Defendant could not afford an attorney, the right to have the Court appoint  
11 one for him;
- 12 d. The right to be presumed innocent until guilt has been established beyond a  
13 reasonable doubt at trial;
- 14 e. The right to confront and cross-examine witnesses against Defendant at  
15 trial;
- 16 f. The right to compel or subpoena witnesses to appear on his behalf at trial;
- 17 g. The right to testify or to remain silent at trial, at which trial such silence  
18 could not be used against Defendant; and
- 19 h. The right to appeal a finding of guilt or any pretrial rulings.

20 **6. Forfeiture of Assets.** Defendant agrees to forfeit to the United States  
21 immediately Defendant's right, title, and interest in any property constituting, or derived  
22 from, any proceeds obtained, directly or indirectly, as the result of Count 1, as well as  
23 any property used, or intended to be used, in any manner or part, to commit, or to  
24 facilitate the commission of, Count 1, including but not limited to:

- 25 a. any and all images of child pornography, in whatever format and  
26 however stored;
- 27 b. Moto X Cellphone, Model XT 1055 FCCID IHDT56PB3;

1 c. Sony SGP311 Tablet S/N 430100660040068;

2 d. Custom Computer Tower S/N RC912KKN11112600226 (with the  
3 following hard drives inside): 1) Western Digital 2TB WD20EARX S/N  
4 WCAZAK274476, 2) Western Digital 500GB WD5002ABYS S/N WMASY7627648, 3)  
5 Barracuda 320GB S/N 22AFQABW, and 4) Crucial 128GB m4 SSD 2.5 S/N  
6 1239091741C5; and

7 e. San Disk 1GB SD Card S/N BB0720312050D.

8 With respect to computers, digital devices, and digital or electronic media,  
9 Defendant agrees to forfeit the items and all files, data, and other contents of the items.

10 7. **Statement of Facts.** The parties agree on the following facts. Defendant  
11 admits he is guilty of the charged offense:

12 On August 27, 2015, law enforcement officers searched SHANNON SOBASKI's  
13 home, vehicle, and person in Cason, Washington. Mr. SOBASKI truthfully admitted to  
14 the officers that he used digital devices at his home to access child pornography over the  
15 Internet and download it.

16 Officers seized a number of digital devices from Mr. SOBASKI, including those  
17 specified above in Paragraph 6, all of which he knew contained child pornography. A  
18 forensic review of these devices revealed at least 600 images and videos containing  
19 minors, including prepubescent minors and minors under the age of twelve, engaged in  
20 sexually explicit conduct. The images and videos also included depictions of minors  
21 engaged in sadistic and masochistic conduct, in addition to depictions of infants and  
22 toddlers.

23 Mr. SOBASKI knowingly possessed the images and videos found on the seized  
24 devices, as he intentionally downloaded them and stored them on his devices. They were  
25 obscene, lewd, and lascivious. On at least one occasion during 2015, Mr. SOBASKI  
26 knowingly used an interactive computer service to transport the images in interstate  
27 commerce, as he downloaded them from the Internet via his computer. Mr. SOBASKI  
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1 knew the general nature of the images and videos at the time he transported them, as he  
2 knew they were child pornography.

3       8.     **United States Sentencing Guidelines.** Defendant understands and  
4 acknowledges that the Court must consider the sentencing range calculated under the  
5 United States Sentencing Guidelines and possible departures under the Sentencing  
6 Guidelines together with the other factors set forth in Title 18, United States Code,  
7 Section 3553(a), including: (1) the nature and circumstances of the offense; (2) the  
8 history and characteristics of the defendant; (3) the need for the sentence to reflect the  
9 seriousness of the offense, to promote respect for the law, and to provide just punishment  
10 for the offense; (4) the need for the sentence to afford adequate deterrence to criminal  
11 conduct; (5) the need for the sentence to protect the public from further crimes of the  
12 defendant; (6) the need to provide the defendant with educational and vocational training,  
13 medical care, or other correctional treatment in the most effective manner; (7) the kinds  
14 of sentences available; (8) the need to provide restitution to victims; and (9) the need to  
15 avoid unwarranted sentence disparity among defendants involved in similar conduct who  
16 have similar records. Accordingly, Defendant understands and acknowledges that:

17           a.     The Court will determine applicable Defendant's Sentencing  
18 Guidelines range at the time of sentencing;

19           b.     After consideration of the Sentencing Guidelines and the factors in  
20 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the  
21 maximum term authorized by law;

22           c.     The Court is not bound by any recommendation regarding the  
23 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines  
24 range offered by the parties or the United States Probation Department, or by any  
25 stipulations or agreements between the parties in this Plea Agreement; and

26           d.     Defendant may not withdraw his guilty pleas solely because of the  
27 sentence imposed by the Court.  
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1           **9. Acceptance of Responsibility.** At sentencing, if the district court  
2 concludes Defendant qualifies for a downward adjustment acceptance for acceptance of  
3 responsibility pursuant to USSG § 3E1.1(a) and Defendant's offense level is 16 or  
4 greater, the United States will make the motion necessary to permit the district court to  
5 decrease the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b),  
6 because Defendant has assisted the United States by timely notifying the United States of  
7 his intention to plead guilty, thereby permitting the United States to avoid preparing for  
8 trial and permitting the Court to allocate its resources efficiently.

9           **10. Sentencing Factors.** The parties agree that the following Sentencing  
10 Guidelines provisions apply to this case:

11               a. A base offense level of 22 pursuant to USSG § 2G2.2, which is cross  
12 referenced from USSG § 2G3.1, because the offense involved distributing, receiving, and  
13 possessing material involving the sexual exploitation of a minor;

14               b. A two-level reduction pursuant to USSG § 2G2.2(b)(1);

15               c. A two-level increase pursuant to USSG § 2G2.2(b)(2) because the  
16 material involved a prepubescent minor or a minor who has not attained the age of 12  
17 years;

18               d. A four-level increase pursuant to USSG § 2G2.2(b)(4) because the  
19 offense involved material that portrays sadistic or masochistic conduct or other depictions  
20 of violence;

21               e. A two-level increase pursuant to USSG § 2G2.2(b)(6) for use of a  
22 computer;

23               f. A five-level increase pursuant to USSG § 2G2.2(b)(7)(D) because  
24 the offense involved more than 600 images.

25           The parties are free to argue for the application of any other Sentencing Guidelines  
26 provisions they believe are appropriate.

27           **11. Sentencing Recommendation.** The parties agree that both parties will  
28 recommend a total term of imprisonment within a range of thirty-six (36) to sixty (60)

1 months. Each party is free to recommend any sentence within that range. The parties  
2 agree that both parties will recommend a term of supervision following release from  
3 imprisonment of three (3) years. Defendant understands that the Court is not bound by  
4 the parties' sentencing recommendation, and may impose any sentence authorized by  
5 law. The parties are free to recommend whatever each believes is appropriate with  
6 respect to all other aspects of the sentence.

7       12.     **Ultimate Sentence.** Defendant acknowledges that no one has promised or  
8 guaranteed what sentence the Court will impose.

9       13.     **Non-Prosecution of Additional Offense.** As part of this Plea Agreement,  
10 the United States Attorney's Office for the Western District of Washington agrees not to  
11 prosecute Defendant for any additional offenses known to it as of the time of this  
12 Agreement that are based upon evidence in its possession at this time, and that arise out  
13 of the conduct giving rise to this investigation. In this regard, Defendant recognizes the  
14 United States has agreed not to prosecute all of the criminal charges the evidence  
15 establishes were committed by Defendant solely because of the promises made by  
16 Defendant in this Agreement. Defendant agrees, however, that for purposes of preparing  
17 the Presentence Report, the United States Attorney's Office will provide the United  
18 States Probation Office with evidence of all conduct committed by Defendant.

19       Defendant agrees that any charges to be dismissed before or at the time of  
20 sentencing were substantially justified in light of the evidence available to the United  
21 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant  
22 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119  
23 (1997).

24       14.     **Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that if  
25 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea  
26 Agreement and Defendant may be prosecuted for all offenses for which the United States  
27 has evidence. Defendant agrees not to oppose any steps taken by the United States to  
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1 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea  
2 Agreement, if he breaches this Plea Agreement. Defendant also agrees that if Defendant  
3 is in breach of this Plea Agreement, Defendant has waived any objection to the re-  
4 institution of any charges in the Indictment that were previously dismissed or any  
5 additional charges that had not been prosecuted.

6 Defendant further understands that if, after the date of this Agreement, Defendant  
7 should engage in illegal conduct, or conduct that violates any conditions of release or the  
8 conditions of his confinement, (examples of which include, but are not limited to,  
9 obstruction of justice, failure to appear for a court proceeding, criminal conduct while  
10 pending sentencing, and false statements to law enforcement agents, the Pretrial Services  
11 Officer, Probation Officer, or Court), the United States is free under this Agreement to  
12 file additional charges against Defendant or to seek a sentence that takes such conduct  
13 into consideration by requesting the Court to apply additional adjustments or  
14 enhancements in its Sentencing Guidelines calculations in order to increase the applicable  
15 advisory Guidelines range, and/or by seeking an upward departure or variance from the  
16 calculated advisory Guidelines range. Under these circumstances, the United States is  
17 free to seek such adjustments, enhancements, departures, and/or variances even if  
18 otherwise precluded by the terms of the plea agreement.

19 15. **Waiver of Appeal.** Defendant acknowledges that by entering the guilty  
20 pleas required by this Plea Agreement, Defendant waives all rights to appeal from his  
21 conviction and any pretrial rulings of the Court. Defendant further agrees that, provided  
22 the Court imposes a total sentence of imprisonment that does not exceed sixty (60)  
23 months, Defendant waives to the full extent of the law:

24 a. any right conferred by Title 18, United States Code, Section 3742, to  
25 challenge, on direct appeal, the sentence imposed by the Court, including any fine,  
26 restitution order, probation or supervised release conditions, or forfeiture order (if  
27 applicable); and  
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1       b.     any right to bring a collateral attack against the conviction and sentence,  
2 including any restitution order imposed, except as it may relate to the effectiveness of  
3 legal representation.

4       This waiver does not preclude Defendant from bringing an appropriate motion  
5 pursuant to 28 U.S.C. § 2241, to address the conditions of his confinement or the  
6 decisions of the Bureau of Prisons regarding the execution of his sentence.

7 If Defendant breaches this Plea Agreement at any time by appealing or collaterally  
8 attacking (except as to effectiveness of legal representation) the conviction or sentence in  
9 any way, the United States may prosecute Defendant for any counts, including those with  
10 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea  
11 Agreement.

12       16.   **Voluntariness of Plea.** Defendant agrees that he has entered into this Plea  
13 Agreement freely and voluntarily and that no threats or promises, other than the promises  
14 contained in this Plea Agreement, were made to induce Defendant to enter his pleas of  
15 guilty.

16       17.   **Statute of Limitations.** In the event this Agreement is not accepted by the  
17 Court for any reason, or Defendant has breached any of the terms of this Plea Agreement,  
18 the statute of limitations shall be deemed to have been tolled from the date of the Plea  
19 Agreement to: (1) thirty (30) days following the date of non-acceptance of the Plea  
20 Agreement by the Court; or (2) thirty (30) days following the date on which a breach of  
21 the Plea Agreement by Defendant is discovered by the United States Attorney's Office.

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